

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JAMES E. EVANS, Derivatively on Behalf
of MIMEDX GROUP, INC.,

Plaintiff,

v.

PARKER H. PETIT, WILLIAM C.
TAYLOR, ALEXANDRA O. HADEN,
MICHAEL J. SENKEN, JOHN E.
CRANSTON, JOSEPH G. BLESER, J.
TERRY DEWBERRY,
CHARLES R. EVANS, BRUCE L. HACK,
CHARLES E. KOOB, LARRY W.
PAPASAN, and NEIL S. YESTON,

Defendants,

and

MIMEDX GROUP, INC.,

Nominal Defendant.

Case No. 1:18-cv-04486-WMR

[Caption continues on next page.]

ANDREW GEORGALAS, Derivatively on
Behalf of MIMEDX GROUP, INC.,

Plaintiff,

v.

PARKER H. PETIT, MICHAEL J. SENKEN,
WILLIAM C. TAYLOR, JOHN E.
CRANSTON, TERRY DEWBERRY,
JOSEPH G. BLESER, CHARLES R.
EVANS, LARRY W. PAPASAN, BRUCE L.
HACK, CHARLES E. KOOB, NEIL S.
YESTON, and LUIS A. AGUILAR

Defendants,

and

MIMEDX GROUP, INC., a Florida
corporation,

Nominal Defendant.

Case No. 1:18-cv-04514-WMR

MICHAEL ROLOSON, Derivatively on
Behalf of MIMEDX GROUP, INC.,

Plaintiff,

v.

PARKER H. PETIT, WILLIAM C.
TAYLOR, MICHAEL J. SENKEN, LUIS A.
AGULIAR, JOSEPH G. BLESER, J.
TERRY DEWSBERRY, CHARLES R.
EVANS, BRUCE HACK, CHARLES E.
KOOB, LARRY PAPASAN, and NEIL S.
YESTON,

Defendants,

and

MIMEDX GROUP, INC.,

Nominal Defendant.

Case No. 1:18-cv-04864-WMR

**ORDER GRANTING CONSENT MOTION AND STIPULATION TO
CONSOLIDATE CASES AND
APPOINT LEAD AND LIAISON COUNSEL**

On November 5, 2018, the Parties filed a Consent Motion and Stipulation to consolidate cases and appoint lead and liaison counsel.

Having considered the Parties' Consent Motion and Stipulation, the Court finds that there is good cause to consolidate cases and appoint lead and liaison counsel. Therefore, the Consent Motion is **GRANTED** and **IT IS HEREBY ORDERED** that:

1. The Related Actions are consolidated for all purposes, including pre-trial proceedings and trial into the Consolidated Derivative Action.

2. The files of the Consolidated Derivative Action shall be maintained in one file under Case No. 1:18-cv-04486-WMR and every pleading filed in the Consolidated Derivative Action, or in any separate action included herein, shall bear the following caption:

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE MIMEDX GROUP, INC.
SHAREHOLDER DERIVATIVE
LITIGATION

This Document Relates To:

ALL ACTIONS.

Lead Case No. 1:18-cv-04486-WMR
(Consolidated with Case No. 1:18-cv-04514-WMR and Case No. 1:18-cv-04864-WMR)

3. Defendants are not required to respond to the current complaint in any of the Related Actions.

4. Within 45 days of entry of an order on the Consent Motion, Plaintiffs shall file a consolidated complaint, which shall become the operative complaint for the Consolidated Derivative Action.

5. Co-Lead Counsel for Plaintiffs in the Consolidated Derivative Action

is:

ROBBINS ARROYO LLP
BRIAN J. ROBBINS
CRAIG W. SMITH
SHANE P. SANDERS
600 B Street, Suite 1900
San Diego, CA 92101
Telephone: (619) 525-3990
Facsimile: (619) 525-3991

KESSLER TOPAZ MELTZER & CHECK, LLP
ERIC L. ZAGAR
CHRISTOPHER M. WINDOVER
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706

6. Liaison Counsel for Plaintiffs in the Consolidated Derivative Action

is:

JOHNSON FISTEL LLP
MICHAEL I. FISTEL, JR.
WILLIAM W. STONE
40 Powder Springs Street
Mariette, GA 30064
Telephone: (770) 200-3104
Facsimile: (770) 200-3101

7. Plaintiffs' Co-Lead Counsel shall have sole authority to speak for Plaintiffs in all matters regarding pre-trial procedure, trial, and settlement and shall

make all work assignments in such manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort.

8. Plaintiffs' Co-Lead Counsel shall be responsible for coordinating all activities and appearances on behalf of Plaintiffs. No motion, request for discovery, or other pre-trial proceedings shall be initiated or filed by any plaintiff except through Plaintiffs' Co-Lead Counsel.

9. Plaintiffs' Liaison Counsel shall be available and responsible for Plaintiffs' communications to and from this Court, including distributing orders and other directions from the Court to counsel. Plaintiffs' Liaison Counsel shall be responsible for creating and maintaining a master service list of all parties and their respective counsel.

10. Defendants' counsel may rely upon all agreements made with Plaintiffs' Co-Lead Counsel, or other duly authorized representative of Plaintiffs' Co-Lead Counsel, and such agreements shall be binding on all plaintiffs.

11. Counsel for Defendants, on behalf of the respective Defendant(s) they represent, acknowledge, without waiver of any arguments or defenses, receipt of a copy of the complaint and summons filed in each of the Related Actions and have agreed to execute waivers to save the cost of service of a summons and additional

copies of the complaints in the above-captioned derivative actions by not requiring service of judicial process in the manner provided for by Fed. R. Civ. P. 4.

12. Nothing herein shall be deemed to constitute a waiver of, and Defendants do not waive and expressly preserve, all arguments and defenses in the above-captioned derivative actions.

13. This order shall apply to each case arising out of the same or substantially the same transactions or events as these cases which is subsequently filed in, remanded to, or transferred to this Court. When a case which properly belongs as part of *In re MiMedx Group, Inc. Shareholder Derivative Litigation*, Lead Case No. 1:18-cv-04486-WMR, is hereafter filed in the Court or transferred here from another court, counsel shall assist the Court in calling to the attention of the clerk of the Court the filing or transfer of any case which might properly be consolidated as part of *In re MiMedx Group, Inc. Shareholder Derivative Litigation*, Lead Case No. 1:18-cv-04486-WMR, and counsel are to assist in ensuring that counsel in subsequent actions receive notice of this order.

SO ORDERED this 6th day of December, 2018.



William M. Ray, II
United States District Judge
Northern District of Georgia